

Honolulu, Hawaii

APR 25 2014

RE: S.B. No. 632
S.D. 2
H.D. 1
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 632, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL COURTS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Establish environmental courts as divisions within the circuit courts to hear proceedings, including certain chapter 91, Hawaii Revised Statutes, proceedings arising from certain environmental laws; and
- (2) Require the Judiciary to report to the Legislature the total number of environmental-related cases filed in the last five years.



Your Committee on Conference finds that environmental disputes are currently dealt with in a variety of courts. This organizational structure inadvertently promotes inconsistent application of the wide variety of environmental laws. The continued maintenance and improvement of Hawaii's environment requires constant vigilance and continued stewardship to ensure its lasting beauty, cleanliness, and uniqueness and the stability of its natural systems, all of which enhance the mental and physical well-being of Hawaii's people.

Your Committee on Conference has amended this measure by:

- (1) Inserting findings related to the urgent need for environmental courts;
- (2) Inserting language to require environmental courts to be created as divisions of district courts in addition to circuit courts;
- (3) Inserting language to require the Chief Justice of the Supreme Court to designate an environmental judge or judges for each circuit and for a district court in each circuit;
- (4) Clarifying that the Chief Justice may temporarily assign an environmental court judge to preside in another circuit when the chief justice determines that the urgency of one or more cases in the circuit court or district court or the volume of the cases in the circuit court or district court so requires;
- (5) Clarifying that issues under the jurisdiction of the environmental courts may be assigned to the environmental courts from both circuit courts and district courts;
- (6) Inserting language to require the Judiciary to convene a working group to make recommendations to the Chief Justice regarding the implementation of environmental courts within the circuit and district courts of the State;
- (7) Clarifying that the term "environmental court" shall be substituted for the term "district court" in specified chapters of the Hawaii Revised Statutes;
- (8) Changing the effective date to July 1, 2015; and



- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 632, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 632, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE



CHRIS LEE, Co-Chair

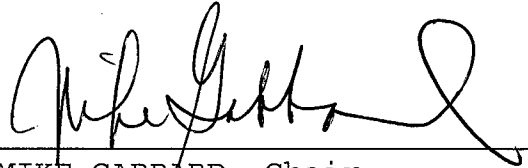


KARL RHOADS, Co-Chair



NICOLE E. LOWEN, Co-Chair

ON THE PART OF THE SENATE



MIKE GABBARD, Chair



CLAYTON HEE, Co-Chair



Hawaii State Legislature

CCR 101-14

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 632, SD 2, HD 1					Date/Time: 4/25/14 5:47 p				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GABBARD, Mike, Chr.	✓				LEE, Chris, Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				RHOADS, Karl, Co-Chr.				✓
IHARA, Les, Jr.	✓				LOWEN, Nicole E., Co-Chr.	✓			
					ING, Kaniela	✓			
					THIELEN, Cynthia	✓			
TOTAL	3				TOTAL	4			1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 5px;"> <div>File with Conference Committee Report</div> <div>House Clerk's Office</div> <div>Senate Clerk's Office</div> <div>Drafting Agency</div> </div>									